

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1250

93RD GENERAL ASSEMBLY

---

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 19, 2006, with recommendation that the Senate Committee Substitute do pass.

5422S.05C

TERRY L. SPIELER, Secretary.

---

## AN ACT

To repeal sections 161.092, 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof ten new sections relating to illegal aliens.

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 161.092, 172.360, 174.130, 178.635, and 178.780, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 43.032, 161.092, 172.360, 174.130, 175.025, 178.635, 178.780, 178.785, 208.009, and 590.700, to read as follows:

**43.032. Subject to appropriation, the superintendent of the Missouri state highway patrol shall designate that some or all members of the highway patrol be trained in accordance with a memorandum of understanding between the state of Missouri and the United States Department of Homeland Security concerning the enforcement of federal immigration laws on federal highways and interstates in the state of Missouri, in accordance with 8 U.S.C. Section 1357(g). The superintendent shall have the authority to negotiate the terms of such memorandum. The memorandum shall be signed by the superintendent of the highway patrol, the governor, and the director of the department of public safety.**

161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5           (2) Carry out the educational policies of the state relating to public schools  
6 that are provided by law and supervise instruction in the public schools;

7           (3) Direct the investment of all moneys received by the state to be applied  
8 to the capital of any permanent fund established for the support of public  
9 education within the jurisdiction of the department of elementary and secondary  
10 education and see that the funds are applied to the branches of educational  
11 interest of the state that by grant, gift, devise or law they were originally  
12 intended, and if necessary institute suit for and collect the funds and return them  
13 to their legitimate channels;

14           (4) Cause to be assembled information which will reflect continuously the  
15 condition and management of the public schools of the state;

16           (5) Require of county clerks or treasurers, boards of education or other  
17 school officers, recorders and treasurers of cities, towns and villages, copies of all  
18 records required to be made by them and all other information in relation to the  
19 funds and condition of schools and the management thereof that is deemed  
20 necessary;

21           (6) Provide blanks suitable for use by officials in reporting the information  
22 required by the board;

23           (7) When conditions demand, cause the laws relating to schools to be  
24 published in a separate volume, with pertinent notes and comments, for the  
25 guidance of those charged with the execution of the laws;

26           (8) Grant, without fee except as provided in section 168.021, RSMo,  
27 certificates of qualification and licenses to teach in any of the public schools of the  
28 state, establish requirements therefor, formulate regulations governing the  
29 issuance thereof, and cause the certificates to be revoked for the reasons and in  
30 the manner provided in section 168.071, RSMo;

31           (9) Classify the public schools of the state, subject to limitations provided  
32 by law, establish requirements for the schools of each class, and formulate rules  
33 governing the inspection and accreditation of schools preparatory to classification,  
34 with such requirements taking effect not less than two years from the date of  
35 adoption of the proposed rule by the state board of education, provided that this  
36 condition shall not apply to any requirement for which a time line for adoption  
37 is mandated in either federal or state law;

38           (10) Make an annual report on or before the first Wednesday after the  
39 first day of January to the general assembly or, when it is not in session, to the  
40 governor for publication and transmission to the general assembly. The report  
41 shall be for the last preceding school year, and shall include:

42 (a) A statement of the number of public schools in the state, the number  
43 of pupils attending the schools, their sex, and the branches taught;

44 (b) A statement of the number of teachers employed, their sex, their  
45 professional training, and their average salary;

46 (c) A statement of the receipts and disbursements of public school funds  
47 of every description, their sources, and the purposes for which they were  
48 disbursed;

49 (d) Suggestions for the improvement of public schools; and

50 (e) Any other information relative to the educational interests of the state  
51 that the law requires or the board deems important;

52 (11) Make an annual report to the general assembly and the governor  
53 concerning coordination with other agencies and departments of government that  
54 support family literacy programs and other services which influence educational  
55 attainment of children of all ages;

56 (12) Require from the chief officer of each division of the department of  
57 elementary and secondary education, on or before the thirty-first day of August  
58 of each year, reports containing information the board deems important and  
59 desires for publication;

60 (13) Cause fifty copies of its annual report to be reserved for the use of  
61 each division of the state department of elementary and secondary education, and  
62 ten copies for preservation in the state library;

63 (14) Have other powers and duties prescribed by law; and

64 **(15) Ensure that an adult individual who is not a citizen or a**  
65 **permanent resident of the United States or does not possess lawful**  
66 **immigration status is prohibited from participating in any family**  
67 **literacy program, parents-as-teachers program, vocational education**  
68 **program, vocational rehabilitation program, or after-school tutoring**  
69 **program in any manner whatsoever.**

172.360. 1. All youths, resident of the state of Missouri, shall be admitted  
2 to all the privileges and advantages of the various classes of all the departments  
3 of the University of the State of Missouri[;], provided[,] that each applicant for  
4 admission [therein] shall possess such scholastic attainments and mental and  
5 moral qualifications as shall be prescribed in rules adopted and established by the  
6 board of curators[; and provided further, that]. **However, aliens unlawfully**  
7 **present in the United States shall not be eligible for admission to the**  
8 **university.** The board of curators may charge and collect reasonable tuition and  
9 other fees necessary for the maintenance and operation of all departments of the

10 university, as they may deem necessary.

11       **2. Prior to approval of any appropriations by the general**  
12 **assembly for the University of Missouri, the registrar for each campus**  
13 **of the University of Missouri shall certify annually to the education**  
14 **appropriations committee of the house of representatives and the**  
15 **appropriations committee of the senate that its campus has not**  
16 **knowingly admitted any aliens unlawfully present in the United States**  
17 **in the preceding year.**

174.130. 1. Each board may make such rules and regulations for the  
2 admission of students as may be deemed proper. **However, aliens unlawfully**  
3 **present in the United States shall not be eligible for admission to the**  
4 **university or college.**

5       **2. Prior to approval of any appropriations by the general**  
6 **assembly for the university or college, the registrar for each university**  
7 **or college shall certify annually to the education appropriations**  
8 **committee of the house of representatives and the appropriations**  
9 **committee of the senate that its university or college has not knowingly**  
10 **admitted any aliens unlawfully present in the United States in the**  
11 **preceding year.**

175.025. 1. The board of curators of Lincoln University may make  
2 such rules and regulations for the admission of students as it may deem  
3 proper. **However, aliens unlawfully present in the United States shall**  
4 **not be eligible for admission to the university.**

5       **2. Prior to approval of any appropriations by the general**  
6 **assembly for the university, the registrar shall certify annually to the**  
7 **education appropriations committee of the house of representatives and**  
8 **the appropriations committee of the senate that the university has not**  
9 **knowingly admitted any aliens unlawfully present in the United States**  
10 **in the preceding year.**

178.635. 1. The board of regents of Linn State Technical College shall  
2 organize in the manner provided by law for the board of curators of the  
3 University of Missouri. The powers, duties, authority, responsibilities, privileges,  
4 immunities, liabilities and compensation of the board of Linn State Technical  
5 College in regard to Linn State Technical College shall be the same as those  
6 prescribed by statute for the board of curators of the University of Missouri in  
7 regard to the University of Missouri, except that Linn State Technical College  
8 shall be operated only as a state technical college. Nothing in this section shall

9 be construed to authorize Linn State Technical College to become a community  
10 college or a university offering four-year or graduate degrees.

11 2. All lawful bonded indebtedness incurred by the issuance of revenue  
12 bonds, as defined in section 176.010, RSMo, by Linn Technical College, shall be  
13 deemed to be an indebtedness of the board of regents of Linn State Technical  
14 College after the date upon which the conditions of section 178.631 are met. Such  
15 indebtedness shall be retired through tuition revenues.

16 3. **The board of regents may make such rules and regulations for**  
17 **the admission of students as it may deem proper. However, aliens**  
18 **unlawfully present in the United States shall not be eligible for**  
19 **admission to Linn State Technical College.**

20 4. **Prior to approval of any appropriations by the general**  
21 **assembly for Linn State Technical College, the registrar shall certify**  
22 **annually to the education appropriations committee of the house of**  
23 **representatives and the appropriations committee of the senate that the**  
24 **college has not knowingly admitted any aliens unlawfully present in the**  
25 **United States in the preceding year.**

178.780. 1. Tax supported junior colleges formed prior to October 13,  
2 1961, and those formed under the provisions of sections 178.770 to 178.890 shall  
3 be under the supervision of the coordinating board for higher education.

4 2. The coordinating board for higher education shall:

5 (1) Establish the role of the two-year college in the state;

6 (2) Set up a survey form to be used for local surveys of need and potential  
7 for two-year colleges; provide supervision in the conducting of surveys; require  
8 that the results of the studies be used in reviewing applications for approval; and  
9 establish and use the survey results to set up priorities;

10 (3) Require that the initiative to establish two-year colleges come from the  
11 area to be served;

12 (4) Administer the state financial support program;

13 (5) Supervise the junior college districts formed under the provisions of  
14 sections 178.770 to 178.890 and the junior colleges now in existence and formed  
15 prior to October 13, 1961;

16 (6) Formulate and put into effect uniform policies as to budgeting, record  
17 keeping, and student accounting;

18 (7) Establish uniform minimum entrance requirements and uniform  
19 curricular offerings for all junior colleges **and ensure that aliens unlawfully**  
20 **present in the United States are not eligible for admission to any junior**

21 college;

22 (8) Make a continuing study of junior college education in the state; and

23 (9) Be responsible for the accreditation of each junior college under its  
24 supervision. Accreditation shall be conducted annually or as often as deemed  
25 advisable and made in a manner consistent with rules and regulations established  
26 and applied uniformly to all junior colleges in the state. Standards for  
27 accreditation of junior colleges shall be formulated with due consideration given  
28 to curriculum offerings and entrance requirements of the University of Missouri.

178.785. Prior to approval of any appropriations by the general  
2 assembly for a junior college, the registrar for the college shall certify  
3 annually to the education appropriations committee of the house of  
4 representatives and the appropriations committee of the senate that its  
5 junior college has not knowingly admitted any aliens unlawfully present  
6 in the United States in the preceding year.

208.009. 1. No person who is not a citizen or a permanent resident  
2 of the United States or who does not possess lawful immigration status  
3 shall receive state or local public assistance under this chapter, except  
4 for state or local public assistance that is mandated by federal law under  
5 8 U.S.C. Section 1621.

6 2. In addition to providing proof of other eligibility requirements,  
7 at the time of application for any state or local public benefit, an  
8 applicant who is nineteen years of age or older shall provide affirmative  
9 proof that the applicant is a citizen or a permanent resident of the  
10 United States or is lawfully present in the United States. Such  
11 affirmative proof shall consist of documentary evidence recognized by  
12 the department of revenue when processing an application for a driver's  
13 license. A state or local government agency administering public  
14 assistance benefits shall not accept an identification card issued by a  
15 state or local government agency, including a driver's license, to  
16 establish identity or determine eligibility for public assistance benefits  
17 unless the state or local government agency that issued the card has  
18 verified the eligibility of the applicant.

19 3. An applicant who cannot provide the proof required under this  
20 section at the time of application may alternatively sign an affidavit  
21 under oath, attesting to either United States citizenship or to  
22 classification by the United States as an alien lawfully admitted for  
23 permanent residence, in order to receive temporary benefits or a

24 temporary identification document as provided in this section. The  
25 affidavit shall be on or consistent with forms prepared by the state or  
26 local government agency administering the public assistance benefits  
27 program and shall include the applicant's Social Security number and  
28 an explanation of the penalties under state law for obtaining public  
29 assistance benefits fraudulently.

30 4. An applicant who has provided the sworn affidavit required  
31 under subsection 4 of this section is eligible to receive temporary public  
32 assistance program benefits as follows:

33 (1) For ninety days or until such time that it is determined the  
34 applicant is not lawfully present in the United States, whichever is  
35 earlier; or

36 (2) Indefinitely if the applicant provides a copy of a completed  
37 application for a birth certificate that is pending in Missouri or some  
38 other state. An extension granted under this subsection shall terminate  
39 upon the applicant's receipt of a birth certificate or a determination that  
40 a birth certificate does not exist because the applicant is not a United  
41 States citizen.

42 5. All state agencies administering public assistance programs in  
43 this state shall cooperate with local governments and the United States  
44 Department of Homeland Security to develop a system to facilitate  
45 verification of an individual's lawful presence in the United States in  
46 furtherance of this section. The system developed shall include  
47 verification under the Systematic Alien Verification Entitlements  
48 Program operated by the United States Department of Homeland  
49 Security, in accordance with 8 U.S.C. Section 1357(g).

590.700. Notwithstanding any other provision of law to the  
2 contrary and to the extent permitted by federal law, peace officers are  
3 authorized to investigate, apprehend, or detain any individual who is  
4 not a citizen or permanent resident of the United States or does not  
5 possess lawful immigration status and who is located in this  
6 state. Peace officers are authorized to transfer such individuals to the  
7 custody of the Bureau of Customs and Immigration Enforcement of the  
8 United States Department of Homeland Security and to transport such  
9 individuals across state lines to a detention center.